

## Article - Education

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§23–806.

(a) (1) An employee organization seeking certification as the exclusive representative for the bargaining unit of employees may file a petition with the Director indicating this intent.

(2) The petition may only be filed in the month of September.

(3) The petition shall contain:

(i) A request that the Board recognize the employee organization as the exclusive representative of the employees in the bargaining unit;

(ii) A statement that the employee organization is one in which employees participate and that has as one of its purposes the representation of public employees in matters of wages, hours, and other terms and conditions of employment;

(iii) A statement that the employee organization has no terms or conditions of membership that discriminate with regard to race, color, creed, gender, age, political affiliation, national origin, religion, marital status, or disability; and

(iv) A statement that the employee organization has in its possession written proof dated not more than 9 months before the day on which the petition is filed establishing that at least 30% of the employees in the bargaining unit have designated the employee organization to represent them in their employment relations with the employer.

(4) Before a petition may be processed, the proof of interest submitted shall be verified as provided in this section.

(5) The employee organization and the employer shall equally bear any costs associated with the verification.

(b) (1) When an employee organization or employees in a bargaining unit file a petition with the Director, the employee organization or employees shall submit to a neutral decision maker from the Federal Mediation and Conciliation Service the authorization cards signed and dated by at least 30% of the employees in the bargaining unit not more than 9 months before the day the petition was filed indicating, as appropriate, that the employees have designated the employee

organization to represent them in their employment relations with the library system administration.

(2) The employee organization shall copy the Director on the request for a neutral decision maker in order for the library system to receive notice of the selection of the neutral decision maker for the certification process.

(c) (1) Not more than 7 calendar days after the day on which the Director receives notice of the assignment of a neutral decision maker by the Federal Mediation and Conciliation Service, the Director shall submit to the neutral decision maker a list of employees in the bargaining unit.

(2) If the Director fails to submit the list of employees to the neutral decision maker within the required time, it shall be conclusively deemed that at least 30% of the employees in the bargaining unit have indicated a desire to be represented by the employee organization.

(d) (1) The neutral decision maker shall check the written authorization cards submitted by the employee organization or the employees against the list of employees submitted by the Director.

(2) If the neutral decision maker determines that at least 30% of the employees on the list have indicated a desire to be represented by the employee organization or to decertify an exclusive representative, the neutral decision maker shall notify the Director of the determination.

(e) (1) If the Director disagrees with the petitioning employee organization or the petitioning employees as to the inclusion or exclusion of specific employees in the bargaining unit, the parties shall refer the issue immediately to a neutral decision maker from the Federal Mediation and Conciliation Service to resolve the issue.

(2) The neutral decision maker shall hold a hearing on the issue referred under paragraph (1) of this subsection with the interested parties presenting evidence with respect to their positions on the issue of the inclusion or exclusion of the employees in question.

(3) The neutral decision maker's findings shall be final and binding on both parties.

(f) An election may not be conducted in a bargaining unit unless at least 1 year has passed since the last election held in the bargaining unit.

(g) (1) After a decision on disputed employee inclusion or exclusion, if required, the Director shall notify all employees within the bargaining unit that an election will be held and request a neutral decision maker from the Federal Mediation and Conciliation Service to oversee and conduct an election by secret ballot.

(2) The ballot for an election shall include the following choices:

(i) In accordance with the issues presented by the petition or petitions, exclusive representation by any employee organization seeking to obtain or continue representation rights; and

(ii) No exclusive representation.

(h) An employee organization may intervene in the election and have its name placed on the ballot if:

(1) The employee organization files a petition not more than 15 calendar days after the date on which the original petition is filed;

(2) The employee organization certifies that at least 30% of the employees of the unit have designated the employee organization to represent them in their employment relations with the library system administration; and

(3) The showing of interest is verified as provided in this section.

(i) (1) The election shall be conducted according to the procedures established by the Federal Mediation and Conciliation Service neutral decision maker conducting the election.

(2) An employee organization shall be certified as exclusive representative following an election if the employee organization has received the vote of a majority of the valid votes cast in the bargaining unit in which the election is held.

(3) (i) If an election includes three or more choices and no choice receives a majority of the valid votes cast, the neutral decision maker shall conduct a runoff election between the two choices that received the largest number of valid votes cast.

(ii) The choice receiving the majority of the valid votes cast in the runoff election shall be certified.

(4) The neutral decision maker conducting the election shall issue to all the participants in an election a certification of representation, if an employee organization is certified, or the results of the election, if no representative is chosen.

(j) (1) If employees are represented by an employee organization, employees may file a petition with the Director that contains the following:

(i) An assertion that the majority of the employees no longer wish to be represented by the employee organization;

(ii) A statement that the employees have in their possession substantive documentary proof, dated not more than 6 months before the day on which the petition is filed, that at least 30% of the employees within the bargaining unit approve of the decertification of the employee organization; and

(iii) A statement explaining that the employees are seeking decertification of the employee organization as the exclusive representative for the bargaining unit.

(2) (i) The petition shall be processed as described in this section, including verification of proof of interest and an election.

(ii) An employee organization shall be decertified as exclusive representative following an election if the majority of the valid votes cast in the unit in which the election is held are for no representation.

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